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 Debtors in Possession

**UNITED STATES BANKRUPTCY COURT  
 SOUTHERN DISTRICT OF NEW YORK**

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	:	
In re:	:	Chapter 11
	:	
SAINT VINCENTS CATHOLIC MEDICAL	:	Case No. 05-14945 (ASH)
CENTERS OF NEW YORK d/b/a SAINT VINCENT	:	
CATHOLIC MEDICAL CENTERS, <i>et al.</i> ,	:	(Jointly Administered)
	:	
Debtors.	:	
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**APPELLEES' DESIGNATION OF ADDITIONAL ITEMS  
 TO BE INCLUDED IN RECORD ON APPEAL**

Pursuant to Rule 8006 of the Federal Rules of Bankruptcy Procedure, appellee Saint Vincents Catholic Medical Centers of New York d/b/a Saint Vincent Catholic Medical Centers ("SVCMC") and its affiliated debtors (collectively with SVCMC, the "Debtors") in the above-captioned chapter 11 cases (collectively, the "Cases") respectfully submit this Designation of Additional Items to Be Included In Record On Appeal in connection with the appeal of Darlene Larney, as Administratrix of the Estate of Daniel Larney, deceased, and Darlene Larney, individually (the "Appellant") from the order of the United States Bankruptcy Court for the Southern District of New York (the "Bankruptcy Court") entered August 29, 2007, denying Appellant's motion seeking extension of the time to file a proof of claim (Docket No. 3626).

**DESIGNATION OF ADDITIONAL ITEMS FOR RECORD ON APPEAL**

Appellees hereby designate the following additional items to be included in the record on appeal:

1. Application of Darlene Larney, as Administratrix of the Estate of Daniel Larney, Now Deceased, and Darlene Larney, Individually For Entry of an Order Granting Relief from the Automatic Stay to Pursue Completion of Personal Injury Litigation Against the Debtors, filed June 29, 2007 (Docket No. 3322).
2. Debtors' Omnibus Objection to the Motions of Larney, Curatola, Anderson, Betts, Rahman, Mann and Walker Seeking Relief from the Automatic Stay Pursuant to Bankruptcy Code Section 362(d), filed July 17, 2007 (Docket No. 3386).
3. Order Denying the Motion of Darlene Larney, as Administratrix of the Estate of Daniel Larney, Now Deceased, and Darlene Larney, Individually, Seeking Relief from the Automatic Stay Pursuant to Section 362(d) of the Bankruptcy Code, entered August 29, 2007 (Docket No. 3629).
4. Debtors' Amended Motion Pursuant to Bankruptcy Rule 3003(c)(3) to Establish the Deadline for Filing Certain Proofs of Claim and Approving the Form and Manner of Notice Thereof, filed January 11, 2006 (Docket No. 962).
5. Order Pursuant to Bankruptcy Rule 3003(c)(3) Establishing the Deadline for Filing Certain Proofs of Claim and Approving the Form and Manner of Notice Thereof, entered January 26, 2006 (Docket No. 1037).
6. Certification of Publication in The New York Times of Notice of Deadline for Filing Proofs of Claim On Or Before March 30, 2006 at 4:00 p.m., filed March 15, 2006 (Docket No. 1270).

7. Certification of Publication in The Daily News of Notice of Deadline for Filing Proofs of Claim On Or Before March 30, 2006 at 4:00 p.m., filed March 15, 2006 (Docket No. 1271).
8. Certification of Publication in The Staten Island Advance of Notice of Deadline for Filing Proofs of Claim On Or Before March 30, 2006 at 4:00 p.m., filed March 20, 2006 (Docket No. 1279).
9. Certification of Publication in The Journal News of Notice of Deadline for Filing Proofs of Claim On Or Before March 30, 2006 at 4:00 p.m., filed March 20, 2006 (Docket No. 1280).
10. Joint Application Pursuant to Section 327(a) and 328(a) of the Bankruptcy Code and Rule 2014(a) of the Federal Rules of Bankruptcy Procedure for Authorization to Employ and Retain Caronia Corporation as Consultant in Connection with the Estimation of the SVCMC Debtors' Medical Malpractice Claims, filed September 21, 2006 (Docket No. 2161).
11. Order Granting the Joint Application Pursuant to Sections 327(a) and 328(a) of the Bankruptcy Code and Rule 2014(a) of the Federal Rules of Bankruptcy Procedure for Authorization to Employ and Retain Caronia Corporation as Consultants in Connection with the Estimation of the SVCMC Debtors' Medical Malpractice Claims, as amended November 3, 2006 (Docket No. 2374).
12. Order Granting Limited Relief From the Automatic Stay to Liquidate But Not Otherwise Collect or Enforce a Medical Malpractice Claim with Respect to the Motions Identified on the Attached Exhibit A (Debtors' Defense Costs Are Paid by Commercial Insurance) and Adjourning the Motions Identified on the Attached

Exhibit B Seeking Relief From the Automatic Stay (Debtors Have No Commercial Insurance), filed August 18, 2006 (Docket No. 2038).

13. Twelfth Order Modifying the Automatic Stay to Allow Certain Claimants to Liquidate But Not Otherwise Collect or Enforce a Medical Malpractice Claim with Respect to the Motions Identified on the Attached Exhibits A and B Seeking Modification of the Automatic Stay, filed August 28, 2007 (Docket No. 3616).
14. Disclosure Statement Pursuant to Section 1125 of the Bankruptcy Code for First Amended Chapter 11 Plan of Reorganization for Saint Vincents Catholic Medical Centers of New York d/b/a Saint Vincent Catholic Medical Centers, and Chapter 11 Plans of Liquidation for Medical Service of St. Vincent's Hospital and Medical Center, P.C., Surgical Service of St. Vincent's, P.C., CMC Cardiology Services P.C., CMC Physician Services P.C., and CMC Radiological Services P.C., dated June 5, 2007 (Docket No. 3206).
15. Order (I) Approving the Disclosure Statement, (II) Fixing a Record Date, (III) Approving Solicitation Packages and Procedures for Distribution Thereof, (IV) Approving Forms of Ballots and Establishing Procedures for Voting on Debtors' First Amended Plans of Reorganization and Liquidation, and (V) Scheduling a Hearing and Establishing Notice and Objection Procedures in Respect of Confirmation of Debtors' First Amended Plan of Reorganization and Liquidation, entered June 5, 2007 (Docket No. 3205).
16. First Amended Chapter 11 Plan of Reorganization for Saint Vincents Catholic Medical Centers of New York d/b/a Saint Vincent Catholic Medical Centers, and Chapter 11 Plans of Liquidation for Medical Service of St. Vincent's Hospital and Medical Center, P.C., Surgical Service of St. Vincent's, P.C., CMC Cardiology

Services P.C., CMC Physician Services P.C., and CMC Radiological Services P.C., filed June 5, 2007 (Docket No. 3207).

17. Order Confirming Debtors' First Amended Chapter 11 Plans of Reorganization and Liquidation, Dated June 5, 2007, entered July 27, 2007 (Docket No. 3490).
18. Findings of Fact and Conclusions of Law in Connection with Confirmation of Debtors' First Amended Chapter 11 Plans of Reorganization and Liquidation, Dated June 5, 2007, entered on July 27, 2007 (Docket No. 3502).
19. Motion for Entry of an Order Authorizing Retention of Professionals Utilized by Debtors in the Ordinary Course of Business, filed August 27, 2005 (Docket No. 320).

#### **STATEMENT OF QUESTIONS PRESENTED**

1. Whether the Bankruptcy Court properly denied Appellant's motion to file a late proof of claim on the facts and circumstances of these chapter 11 cases, when all of the conduct giving rise to the claim occurred prior to the petition date and ten months prior to the bar date; the Debtors gave publication notice of the bar date to unknown potential creditors including Appellant; Appellant did not file her motion until over 15 months after the bar date; and the Debtors proposed, and subsequently have confirmed with the consent of all impaired classes of claims, a plan of reorganization which provides for the payment of all timely-filed medical malpractice claims in full, based on an estimate of potential medical malpractice liability which did not include Appellant's claim because no timely claim was filed?

Dated: New York, New York  
September 21, 2007

/s/ Andrew M. Troop  
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